

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFERY BRYANT,

Plaintiff,

v.

JOHN R. SOLOMONSON, *et al.*,

Defendants.

Case No. 22-cv-12238
Honorable Linda V. Parker
Magistrate Judge Elizabeth A. Stafford

**REPORT AND RECOMMENDATION TO DENY
PLAINTIFF'S MOTION FOR DEFAULT (ECF NO. 54)**

Plaintiff Jeffery Bryant, proceeding pro se, sues Defendant Savithri Kakani under 42 U.S.C. § 1983, stating that she violated his Eighth Amendment rights. ECF No. 1. The Honorable Linda V. Parker referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 20. Under Federal Rule of Civil Procedure 55, Bryant moves for entry of a default judgment against Kakani, arguing that she did not respond to a show cause order. ECF No. 54, PageID.206. But he is mistaken.

In November 2023, the Court ordered Kakani to respond to Bryant's complaint. ECF No. 41. When she did not respond, the Court ordered her

to show cause why default should not be entered against her. ECF No. 43. Kakani timely responded to the show cause order. ECF No. 44; ECF No. 45. So the Court vacated the order. ECF No. 47.

Bryant's motion for default is groundless. The Court thus

RECOMMENDS that his motion (ECF No. 54) be **DENIED**.

s/Elizabeth A. Stafford

ELIZABETH A. STAFFORD

United States Magistrate Judge

Dated: August 13, 2024

NOTICE TO THE PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this report and recommendation, any party may serve and file specific written objections to this Court's findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). If a party fails to timely file specific objections, any further appeal is waived. *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991). And only the specific objections to this report and recommendation are preserved for appeal; all other objections are waived. *Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6th Cir. 1991).

Each **objection must be labeled** as "Objection #1," "Objection #2," etc., and **must specify** precisely the provision of this report and

recommendation to which it pertains. Within 14 days after service of objections, **any non-objecting party must file a response** to the objections, specifically addressing each issue raised in the objections in the same order and labeled as “Response to Objection #1,” “Response to Objection #2,” etc. The response must be **concise and proportionate in length and complexity to the objections**, but there is otherwise no page limitation. If the Court determines that any objections lack merit, it may rule without awaiting the response.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 13, 2024.

s/Donald Peruski
DONALD PERUSKI
Case Manager